

THE
PROCEEDINGS
ON THE
TRIAL
OF

Captain *Gambier*-----,

Late of His Majesty's Ship the
S E V E R N,

On an ACTION on the CASE wherein the
Damages sued for was 10,000 l.
FOR

Crim. *Con*

moral WITH
Ad----I *Knowle*-----s's Lady ;

Which was tried in the Court of *King's Bench*
at *Guildhall*, by a Special Jury, on *Saturday*
the Eleventh Day of *June*, 1757.

When One Thousand Pounds Damages were
given to the Plaintiff.

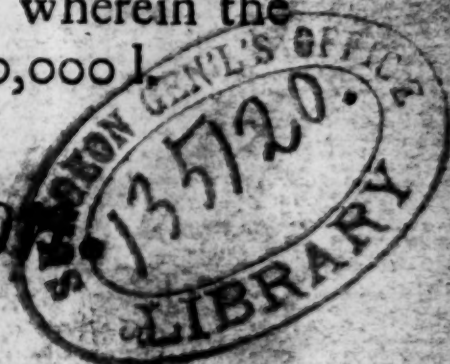
With an INTRODUCTORY PREFACE.

The FOURTH EDITION

L O N D O N :

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(Price One Shilling.)



OFFICE OF THE

CLERK OF THE

COURT

OF THE

STATE OF

NEW YORK

IN SENATE

CHAMBERS

January 1st 1880

Present

Mr. Justice

Mr. Justice

Mr. Justice

Mr. Justice

Mr. Justice

Mr. Justice

Mr. Justice

Mr. Justice

Mr. Justice

Mr. Justice

Mr. Justice

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Mr. Justice

Mr. Justice



THE
P R E F A C E.

WE have an Account of several famous Adulterers and Adulteresses, both in sacred and profane History; it is not my present Design to particularize them, only I would observe, that all civilized Nations have made very severe Laws against the heinous Crime of Adultery, with two principal Views: the first, to deter Men and Women from the Commission of this very evil and pernicious Crime; and secondly, to punish such who should be found guilty of it.

THAT this Offence never went unpunished, even in this Life, we learn from several Instances in Holy Writ, as in the Case of David
A 2 and



and Uriah. David it seems was walking upon the Roof of his Palace, (for all the Jewish Houses were flat roofed) and from the Roof he saw Bathsheba bathing herself in her own Garden, which adjoined to David's Garden. Bathsheba was very beautiful to look upon, and the King seeing her naked, discovered all her Charms, and was so ravished therewith, that he immediately sent two Messengers, (even whilst she was in the Bath) to her, to bring her unto him. The Lady being acquainted with the Message from the King by her Maids, she left the Bath, dressed herself, went with the Messengers, and laid with King David. After which she returned to her own House, and in proper Time perceived herself with Child. No one knew that David and Uriah were guilty of Adultery besides himself and Bathsheba, as Expositors think, save the Almighty ; for David was so absolute a Monarch, that if it had been publickly known, the Civil Law could not have laid hold of him, yet we find, he did not go unpunished ; and the Almighty in this Case therefore punished the Royal Adulterer himself. Hear the dreadful Sentence which the Lord Jehovah passes on King David, for the Adultery he had committed with Bathsheba, the Wife of Uriah the Hittite : ‘ Because thou hast despised me, ‘ [that is, the Law I had given unto thee ‘ from Mount Sinai, viz. Thou shalt not ‘ commit

‘ *commit Adultery,*] and has taken the Wife
 ‘ of *Uriah the Hittite* to be thy Wife ; be-
 ‘ hold I will raise up Evil against thee out of
 ‘ thine own House.’ *All which came to*
pass, as the Reader will find in perusing the
Life of David, 2 Sam. xi. &c.

ADULTERY, *is properly the Sin of Incon-*
tinence between two married Persons ; yet,
if one be married it is Adultery, which was
severely punished by the ancient Laws of this
Land. King Edmund, a Saxon, ‘ punished
‘ Adultery with Death in the same Manner
‘ as Homicide or Murder.’ And Canute the
Dane, ordered, ‘ the Man taken in Adultery
‘ to be banished, and the Woman so taken,
‘ to have her Nose or Ears slit, or cut off.’
Coke in his Institutes, relates a notable Case,
concerning the Adultery of Margaret, the
Wife of John de Camou, who with her Hus-
band’s Consent, lived in Adultery with Sir
William Panell, yet she lost her Dower.

IN the old Records we read of a remarka-
 ble Adultery, which came on before a Jury of
 twelve Men. ‘ Robert Pincern brought his
 ‘ Action against *Williar Wake*, for com-
 ‘ mitting Adultery with his Wife, in his, the
 ‘ Plaintiff’s own House. *Pincern* being jea-
 ‘ lous of *Wake* forbade him his House, but
 ‘ *Wake* paid no Regard to this Prohibition,
 ‘ but

' but after such Prohibition entered the House
 ' of the said *Pincern*, laid with his Wife,
 ' was seen in Bed with her, and taken (says
 ' my Author) in the very Act of Copulation;
 ' or, as he says afterwards, in the most joy-
 ' ous Act. The Jury adjudged, that he
 ' should not only be castrated, but that his
 ' Privy Member should be cut off, if the
 ' Plaintiff insisted on it; or, that He, *Wake*,
 ' the Defendant, should make *Pincern* Sa-
 ' tisfaction out of his Goods and Chattels, so
 ' much as he, the Plaintiff, should lay to
 ' his Damages.'

Upon which we may observe,

FIRST, *That the ancient Saxon Law made*
against Adultery was Death. And this we
may call the first Punishment established in
England against Adultery; for undoubtedly
Adultery was punished with Death all the
Time this Island was in the Hands of the Ro-
mans; because we learn from their Histori-
ans, that this great People punished this Crime
with immediate Death. Indeed, to their Ho-
nour we are told, that for upwards of Five
Hundred Years before the Birth of Christ, a-
mong these happy Romans, not one married
Pair was found guilty of the Sin of Adultery,
they lived so perfectly chaste, had so much Re-
gard to their Honour, and were so devoted to
the

the Matrimonial Tie. But these great and brave People, then Heathens and Gentiles, were so degenerated, a few Centuries after, that we find, in the Reign of Theodosius, the beautiful Virgin Pulcheria, (who then ruled the whole Roman Empire under her Brother) telling her Brother, the Emperor, that she had caused the Records of the Empire to be searched, and that upwards of Three Thousand Women, had, in a few Years past, been put to Death for Adultery. And this was the Jewish Law, at the Time of Christ's Ministry, as appears from that Story in St. John, of the Jews bringing to our Saviour a Woman taken in Adultery, and demanding of him, that the Woman so taken, should be put to Death, according to the Law of Moses, by being stoned.

SECONDLY, *In the Reign of Canute the Dane, in the Year 1016, this ancient Law of punishing Adultery with Death was first abolished, and the following milder Punishments substituted in its Room, viz. The Man taken in Adultery was ordered to be banished, and the Woman so taken was to have Nose and Ears slit, or cut off.*

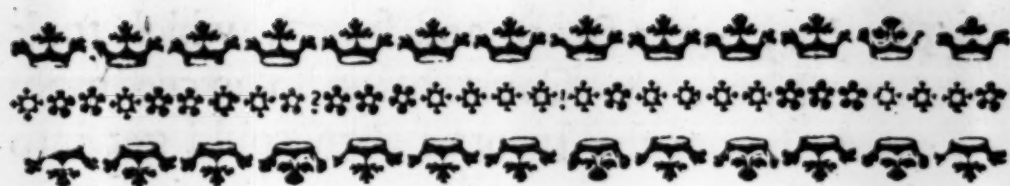
THIRDLY, *Some Years after this, the Punishment of Banishment, on the Part of the Man guilty of Adultery was changed into Castration, or, that the Offender was to make*
the

the Person injured Satisfaction, and then it became a Custom, that the Woman was to receive no corporal or pecuniary Punishment at all.

THIS is now the State of the Case, and has been so for some Hundred Years past, (except during the Protectorate of Oliver Cromwell, when this heinous Crime was, according to the ancient and divine Law, punished with Death) the Man is to make the Husband Satisfaction done him by committing Adultery with his Wife, and the Woman may be divorced, but cannot other Way be either punished or imprisoned. But, if the Woman be divorced, the Husband must allow her a Maintenance equal to his Circumstances.

IT is hoped the following Proceedings will have the desired Effect, viz. To deter all Persons from the Commission of the abominable and incestuous Crime of Adultery.

T H E



THE
PROCEEDINGS
ON THE
TRIAL
OF
Captain G-----,



BEFORE the Right Honourable the Lord *MANSFIELD*, Lord Chief Justice of his Majesty's Court of King's Bench : On *Saturday*, the Eleventh of *June*, 1757, in the *King's Bench* Court in the *Guildhall*, of the City of *London*.

The Court was opened, about a Quarter of an Hour before Six of the Clock in the Evening, by usual Proclamation.

Soon after, a Special Jury of Merchants were impannelled, to try an Action brought by Admiral *Knowles*, against Captain *Gambier*, for Criminal Conversation with his Wife.

B

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The Jury being sworn and seated, which took up some Time, the Court being so exceedingly crowded, before the Jurors sworn could get into the Jury-Box, the Council for the Plaintiff proceeded to open the Cause of Action.

Council for the Plaintiff. May it please you, my Lord, and Gentlemen of the Jury, I am of Council for the Plaintiff, and this Action is brought by the much injured Party, Admiral *Knowles*, against Captain *Gambier*, Captain of His Majesty's Ship the *Severn*, for Criminal Conversation with the Admiral's Lady. The Admiral lays to his Damages the Sum of Ten Thousand Pounds. We shall call our Witnesses, on the Part of the Plaintiff, and prove the Fact committed by the Defendant to your Satisfaction, and then, Gentlemen, you will give us such Damages, as you shall think the Nature of the Case and the Heinousness of the Crime deserves, which cannot be less, in my humble Opinion, than what the Plaintiff has laid in the Declaration,

Second Council for the Plaintiff. Gentlemen of the Jury, I am likewise Council in this Cause for the Plaintiff. This is an Action brought by Admiral *Knowles*, against the Defendant Captain *Gambier*, who has pleaded Not Guilty, for Criminal Conversation and Correspondence with the Plaintiff's Wife. It is an Offence the Defendant *Gambier* has been guilty of, of the highest Nature in itself, and the most destructive of that Peace and Happiness, that Love and Affection which ought,
and

and which every Man expects from his Wife should attend the married State. An Injury of this Sort has always been looked on as an irreparable Loss where-ever and when-ever it has happened. Adultery in most of the civilized Nations of Antiquity, was punished with Death, and we all know this, that *Moses*, the Lawgiver of the *Hebrews*, by the Command and Appointment of God Himself, as it is written in the *Old Testament* Records, ordered the Person taken in Adultery, in the adulterous Act, to be stoned to Death. At present, and in *England* particularly, the Laws are not so severe, Divorce, and pecuniary Punishments are the only Penalties we are subject to. This Scene of Adultery now before you is one of the most atrocious and wicked as ever was tried in this or any other Court, or perhaps in this or any other Nation, if considered in all its *Circumstances*; and which as near as possible, and the Nature of the Things will admit, we shall now lay before you. And, if my Instructions be true, as I have no Reason to doubt they are, we shall shew you how, and in what Manner, the Defendant Captain *Gambier* corrupted and seduced from her Allegiance and Affection to her Husband, the Wife of the Plaintiff. It seems, the Plaintiff, Admiral *Knowles*, was sent over by His Majesty, as Governor of the Island of *Jamaica*; this brought Mrs. *Knowles* thither. This happened in the Year 1750. And here the Admiral and his Lady lived happy in the Enjoyment of one the other, as Men and their Wives ought to do, and my Plaintiff had by Mrs. *Knowles* three Children, during his Government; and for ought that ap-

pears to the contrary, would have remained happy to this Time, if it had not been for the wicked Insinuations and adulterous Contrivances of Mr. *Gambier*, the Defendant in this Cause. It seems, that this wicked Commerce between the Defendant and the Plaintiff's Wife began, as we shall prove, by undeniable Evidence, on the twenty-third of *April*, in the Year 1756, in the Island of *Jamaica*, in Governor *Knowles*'s own House. Here it began. It seems, the Admiral put so great Confidence in the Defendant, and had so great an Opinion of his Integrity and Friendship, that he (being recalled from his Government) and his Family being to return to *England*, he put his Wife and Family aboard the Defendant *Gambier*'s Ship, in Order for their safe Return to *London*. The Admiral himself could not return to *England* with his Family by the same Ship, but was obliged to stay in *Jamaica*, on some very necessary and urgent Business which required his Presence and personal Attendance a Month or two longer. We shall shew you, Gentlemen, in what Manner this *Criminal Correspondence* between the Defendant and Mrs. *Knowles*, begun on Shore, in the Governor's own House, as I have already observed, was carried on and daily practised on board the Defendant's own Ship, during the whole Voyage from *Jamaica* to the Port of *London*. When we have conducted them to Town, we shall shew you, how this wicked and adulterous Intrigue was carried on from Day to Day, a Lodging was taken for Mrs. *Knowles*, by Mrs. *Knowles*'s Maid-Servant, according to the Directions of the Defendant,

where

where he frequently visited Mrs. *Knowles*, dined and supped with her, was alone with her at several Times, Hours together, and was in short seen in Bed with her. We shall likewise shew you, that Mrs. *Knowles* did often visit the Defendant at his Lodgings, sup with him, and stay in his Company alone with him, many Hours together, and that frequently.—Now, Gentlemen, this is the Nature of our Evidence; to corroborate which we shall produce to you, and lay before you for your serious Perusal and Consideration divers Letters written by the Defendant to the Plaintiff's Wife which acknowledge the Fact, and prove the Criminal Correspondence which has been carried on between them: And if, as I am sure we shall, we can prove them to be the Defendant *Gambier's* own Hand-writing, we shall set this Matter, I mean the Criminal Conversation between these two Parties, out of Dispute. So far out of Dispute, that I wonder what Sort of Defence, the Gentlemen on the other Side of the Question intend to set up; but as near as I can conjecture, they have pleaded Not Guilty to bring this Cause before you, to induce you to give small Damages, and to ascertain them. But this I am sure, when this atrocious Affair shall come out before you, attended with all its Circumstances, and considered as to its unhappy Consequences, you will be of Opinion, that the Damages the Plaintiff has laid in his Declaration are but just and reasonable. The Defendant *Gambier*, it does appear through the whole Course of this Proceeding, has, acting below a Man of Honour, betrayed that Confidence, Friendship

Friendship and Trust which the Plaintiff Admiral *Knowles* had put in him, by corrupting and seducing his Wife. In the Defendant's Letters, which will be laid before you, there are many Things very surprizing and romantic: He tells Mrs. *Knowles*, that he looks on the twenty-third of *April*, the Day they first began their Criminal Correspondence in the Governor's own House, at *Kingston* in *Jamaica*, as the happiest Day he ever enjoyed, he remembers, he says, and commemorates it too as their Wedding-Day in the Sight of God: Says, for you must know, by the Way Mr. *Gambier* is a married Man, and has two or three Children, that he shall never love Mrs. G. (so it is written G not *Gambier* a length in the Letter) meaning his Wife, nor her Children any more, or not so dearly as her meaning Mrs. *Knowles*, and her Children, if God should bless them with a Token of their Love. And, that he should love her forever, and if he should have any Token of their mutual Love and Tenderneſs, as he hoped and was almost ſure he ſhould, he would take Care of it, and nourish it before all the World beſides himſelf and the happy Mother; that is, that he would take Care of it, and provide for it, next to himſelf and the Mother, of all Beings and Things in the whole World. In another of theſe Letters, he writes thus; — Keep me, Madam, no longer in Suspence, you can, if you will, inform me, that our mutual Love is crowned with Succeſs, — crowned with ſome Token of our tender and ſincere Love. This laſt Expreſſion the enamoured Captain *Gambier* repeats ſeveral Times. — Again, he ſays, in
theſe

these Letters, that he, the Defendant, continually made Mention of her Name in his Prayers, every Night and Morning, to Almighty God, wishing heartily and ardently, that the Time may shortly and swiftly come, wherein they may be happy, without any Uneasiness and Interruption, in the Enjoyment of one another, which would make them ample Amends for all the Hardships and Disappointments they had met with ; for I look upon you, Madam, as my lawful and beloved Wife. I shall conclude my Observations on these Letters with noting one other Circumstance, and that is, that the Defendant in one of them speaks of the Bliss and Happiness they had often enjoyed in the *State-Cabbin*, meaning Mrs. *Knowles's* Bed-Chamber aboard his own Ship, in which he brought the Plaintiff's Wife from the *West Indies* to *London*. Thus, Gentlemen, have I given you a brief Account of this iniquitous Transaction, which will shortly come out in its full Length and proper Colours from the Mouths and Testimonies of our Witnesses. Now, Gentlemen, in Cases of this Nature, there lies for your Consideration, these several Particulars : First, Whether the Plaintiff Admiral *Knowles* was married to the Party with whom the Defendant has been thus criminally conversant, as I am instructed to say ; for if we, on the Part of the Plaintiff, shall not be able to prove their *Marriage*, that is, the *Marriage* of Admiral *Knowles* to his Wife, this Action brought by the Plaintiff in the present Cause, will fall to the Ground ; for if the criminal Party Mrs. *Knowles* be not married, Captain *Gambier*, with her Consent, will have as much Right to lie

lie with her as Admiral *Knowles*; wherefore, we shall prove to your Satisfaction by Evidences, and honourable Evidences too, that Mistress *Knowles* was married to Admiral *Knowles* at *Aix la Chapelle*.* And here it will turn out, that the Admiral, being at *Aix la Chapelle* in *Germany*, fell in Love with Mrs. *Knowles*, who was the Daughter of an honourable and reputable Family in that City, and there married her. This being done, and which, I am sure, we shall do to your entire Satisfaction, the Second Thing which demands your Attention, is, the Proof of the Fact, that is, the Circumstances and Probabilities that the Defendant *Gambier* has been guilty of a Criminal Conversation and Correspondence with the Plaintiff *Knowles's* Wife. This being proved to your Satisfaction, the third and last Consideration which lies before you, is, what Damages the Plaintiff has sustained from the Defendant by the Corruption, Defilement and Adultery of his Wife. In Cases of this Nature, Juries have always given large Damages; and I do not doubt, Gentlemen,

* A great and strong City of *Germany*, in the Circle of *Westphalia*, and Dutchy of *Juliers*, an Imperial free City, and the Burying-Place of *Charles the Great*. It is famous on many Accounts; for its salutary and salubrious Waters; for its Populoufness and Riches; for the Retirement of Dr. *Francis Atterbury*, late Bishop of *Rocheſter*, and Dean of the Collegiate Church of *St. Peter*, in the City of *Westminster*, after his Attainder and Banishment from *England*, where his Lordſhip lived ſeveral Years and died in the *Proteſtant* Faith; and laſtly, for the late Treaty of Peace concluded between *England* and *France*, at a Congreſs held in this City, in the Year 1748. It is ſituated in a low Place, and all incircled with Hills. It is alſo well reſorted to by the *Beau Monde* of all the Nations in *Europe*.

lemen, when you have heard both Sides of this Cause, but you will be able to give a just Judgment, find sufficient Damages for the injured Plaintiff, and so punish the Defendant as may deter all Persons for the future, from being guilty of such atrocious Crimes ; a Crime, which in itself is the most destructive of the Peace of Society, and of that Tranquillty and Happiness which ought to subsist in every Family. We will now call our Witnesses, and lay before you these Facts, and we do not doubt, but you will find a Verdict for the Plaintiff.

Call Lady *Williams*.

We will, my Lord, with your Lordship's Leave, first prove the Marriage of Mrs. *Knowles* with Admiral *Knowles* at *Aix la Chapelle*, in the Year 1750.

Lady *Williams* sworn.

Q. I think, Madam, you was at *Aix la Chapelle* in the Year 1750. Do you know any Thing of the Marriage of Admiral *Knowles* with his present Wife? Was you present at the Marriage? And what do you know of it?—
Please to give the Court and the Jury an Account of what you know relative to this Affair.

Lady *Williams*. I was at *Aix la Chapelle* in the Year 1750 : I went thither to drink the Waters for the Sake of my Health ; I knew the Gentlewoman before the Admiral married her some Time ; she was a modest, agreeable, courteous, well behaved, sober young Woman, and the Daughter of very reputable Parents in that City. The Admiral coming here, and lodging in the Hottel, kept by her Parents, or
C frequented

frequented the same, fell in Love with her. I have been often at her Parents House, and being well acquainted with both the Parties, with the Admiral and the Bride, I was invited to the Wedding ; and I was present at her Marriage with the Admiral. I saw them married, and the Ceremony was performed in a Parlour, or Dining-Room, in her Father's House ; there were several other Persons present besides myself.

Cross-Examined.

Q. You say, Madam, you was present at the Marriage of Admiral *Knowles* with his Wife. Pray, where was the Ceremony performed, and by whom ?

Lady *Williams*. It was performed in a private Room in the House of her Parents, and by a Priest, who was dressed in a secular Habit, like our Clergymen here in *England*.

Q. Was the Ceremony performed with a Ring ?

Lady *Williams*. I did not observe that.

Q. Did you understand what was said, because the Ceremony was not performed either in *French* or in *English*.

Lady *Williams*. No, I did not ; because it was performed in *Latin*, and I do not understand *Latin* ; but yet I could perceive they were married, and this I know, they lived together as Man and Wife all the while they and I were at *Aix la Chapelle*, which was some Time. And every one looked on them as Man and Wife, and treated them with the Civilities usual on such Occasions.

Q. What

Q. What is the *Maiden Name* of Admiral *Knowles's* Wife, and of what Age was she when married?

Lady *Williams*. Her *Maiden Name* was *Plushee*, and she was about Eighteen Years of Age when she was married to the Plaintiff Admiral *Knowles*.

Q. Your Ladyship means nearer Fourteen Years of Age than Eighteen.

Lady *Williams*. I am mightily mistaken, if Miss *Plushee* was not full Eighteen Years of Age, at the Time of her *Marriage* to the Admiral, and she was always reputed a young Woman of a sober Life and Conversation, which I believe was the chief Inducement to the Admiral to marry her.

Council for the Plaintiff. Desire Lady *Williams* not to go away, she may be wanted again in the Course of this Trial.

Lady *Williams*. I will stay, my Lord.

Call *Jonas Wright*.——Sworn.

Q. Who, and what are you?

Wright. I was Footman to Admiral *Knowles*, when he was at *Aix la Chapelle*, in the Year 1750.

Q. Give the Court and the Jury an Account of what you know concerning the *Marriage* of your Master Admiral *Knowles*, with your Mistress, the Lady *Knowles*?

Wright. I can speak only to the *Second Marriage*; I was not present at the *First Marriage*. The *Second Marriage* was performed at the *Lutheran Chapel* about seven Miles from *Aix la Chapelle*. As I understand the Language a

little, I understood the Ceremony of the *Marriage* well enough. And this was done at the *Protestant* Church, because my Mistress's Parents were in some Doubt whether the *First Marriage* would stand good here in *England*. However they were both married in the *Protestant* Way by a Priest dressed as the Ministers are here in *England*, and all the while I was in the Service of the Admiral and my Mistress they both lived as Man and Wife.

Cross-Examined.

Q. Was you in the *Lutheran* Chapel all the while the Ceremony of the *Marriage* of your Master and Mistress was performed? — Mind you are upon your Oath.

Wright. Yes, I was present all the while; I had often seen my Mistress before she was married; and the Ceremony of *Marriage* does not greatly differ from that performed in *England*, only that the Priest is dressed in a black Gown instead of a Surplice.

Q. But here, you say, you knew this Miss *Plushee* before your Master the Admiral married her. My Instructions say, that she was the Daughter of a Person who keeps a Cook's Shop, or Ordinary, in *Aix la Chapelle*.

Wright. She was the Daughter of Monsieur *Plushee*, who kept a House for the Accommodation of the Nobility and Gentry. No Body but Noblemen and Gentlemen resort thither, and her Parents keep their Coach and two Footmen. — I cannot say, but these Servants do odd Jobbs, and wait at Times on Companies, and the Coach may sometimes be let out. But this I am sure, they keep one of the best,
if

if not the best House of Entertainment in that City, or its Neighbourhood.

Court. All this is nothing to the Purpose, — the *Marriage* seems to be fully proved.

Council for the Plaintiff. With your Lordship's Leave, we will ask a third Witness one or two Questions, relative to the Marriage of Admiral *Knowles* and Mrs. *Knowles*. Which being to the very Effect of the last Witness, we need not here repeat.

Co. for Plaintiff. Thus, Gentlemen of the Jury, we have fully established the first Point we have undertaken; and which, I hope, has been done to your Satisfaction, *viz.* the Marriage of Miss *Plushee* to Admiral *Knowles*. — We will now proceed to shew you, in what Manner the Defendant Captain *Gambier* corrupted the Wife of Admiral *Knowles*, debauched her Principles, and for upwards of a Year criminally conversed with her. We shall lay before you our Evidence to prove the Defendant guilty; the Nature of which is of two Sorts, *viz.* living Evidence, and written Evidence. And the one will strengthen and corroborate the other.

Elizabeth Bentley called and sworn.

Q. Madam, when did you come into the Service of Admiral *Knowles*'s Lady?

Elizabeth Bentley. Some Time in *March*, or the Beginning of *April*, in the Year 1756.

Q. Give

Q. Give the Court and the Jury an Account how you came to go to *Jamaica* *, and how you came into Mrs. *Knowles*'s Service.

Bentley. I went over in the Service of a Gentlewoman; and when I had been there in the Island of *Jamaica* a little while, I was recommended to, and taken into, the Service of Mrs. *Knowles*.

Q. How long had you been there before you observed Captain *Gambier* to come to the Governor's, that is, your Master's House? And tell us, when you first observed any indecent Behaviour to pass between Captain *Gambier* and your Mistress?

Bentley. Captain *Gambier* used to come often to our House; he used often to dine and sup with my Master and Mistress. They were very intimate, and there seemed to be a perfect Harmony and Friendship among them. I believe my

* A large Island in *America*, first discovered by *Columbus* a *Portuguese*, situated within the Tropicks, One Hundred and Forty Leagues North of the main Continent of *America*, Fifteen South from *Cuba*, Twenty West from *Hispaniola*, and One Hundred and Forty from *Carthagera Nova*. It is of an oval Form, One Hundred and Seventy Miles long, Seventy Miles broad, and contains Four or Five Millions of Acres, divided in the Middle by a Chain of Mountains, the whole Length from East to West. It is an admirable good Soil. Its Towns are, *Port Royal*, *St. Jago*, and *Sevilla*, built by the *Spaniards*. It was subject to the King of *Spain*, till 1655, when they were dispossessed by the *English*, who now enjoy it, and have rendered it one of the most flourishing Plantations in the whole World. It is an Island of the greatest Importance to the Crown of *England*, and is well resorted to by the *English*, who since they have been in Possession of it, have built a large Town called *Kingston*, now the Metropolis of the whole Island. It lies between 17 and 18 Degrees in North Latitude.

my Master had a great Regard for Captain Gambier. But, after I had been there alone a Fortnight, or somewhat more, it was on the twenty-third Day of *April*, in the Year 1756, Captain Gambier came that Afternoon, about Three or Four o'Clock to our House, when the Admiral was out, and he came into the Room where my Mistress and I, and Miss *Blessington* were; and this had a Door out of it into my Mistress's Bed-chamber. When the Captain came in, my Mistress was dressed, — she was dressed in White, — and had her Hat on. Both she and the Captain, after some Time, went out of Miss *Blessington*'s Room, my Mistress going first, and they both went into my Mistress's Bed-chamber, and there they staid three or four Hours. All this while the Admiral was abroad. When my Mistress and the Captain left the Bed-chamber, which they did by going out of the Bed-chamber through a Door that led into the Dining-Room, and so down into the Parlour, I went into my Mistress's Bed-chamber, and upon viewing my Mistress's Bed, which I had made in the Morning, I perceived the Impressions of the Bodies of two Persons, as though they had been amorously laying and tumbling thereon; and on the Bolster of the Bed my Mistress had left her Hat. I saw her afterwards without her Hat, — and her Cloaths and Things were rumpled and tumbled, as is usual when Men and Women play together, and hug, kiss, and tumble one the other. After the Captain was gone, my Mistress bid me, make her Bed; which I readily did.

Q. This

Q. This is all that you observed on the three and twentieth Day of *April*. Did you ever after that Day observe any more Familiarities, which passed between the Captain and your Lady? Pray tell us, what were those Familiarities?

Bentley. My Mistress would often pull off her Stays against the usual Time of the Captain's Coming;—sit with him in every amorous Posture imaginable, sometimes he would embrace her, sometimes with his Hand round her Waste, look at and oggle her; and she would in Return, sigh, coo, and smile at him, and often pat and stroke him, and then they would often go away, and be absent sometimes half an Hour, sometimes an Hour, two Hours, and more; and I did imagine by their Behaviour, and by the Bed which I had often on such Occasions to make again, that they had repeated those Pleasures they first began on the twenty-third of *April*.

Q. Now, Madam, I think you came to *England* with your Mistress in the same Ship with the Defendant *Gambier*, please to give the Court and the Gentlemen of the Jury an Account what Familiarities passed between the Captain and your Lady, during your Voyage in the Defendant's Ship from *Jamaica* to *England*.

Bentley. Governor *Knowles*, my Master, was by the Government here in *England*, ordered to come away back to *London*;—and he being intimate with Captain *Gambier*, he consigned his Lady, my Mistress, her two Children and me, to go in the Defendant's Ship to *London*; we had Cabbins fitted up for us on
this

this Occasion; and my Mistress had the *State-Cabbin*. The Admiral came on board the first Night, and lay on board that Night with my Mistress, — but not afterwards; — we set Sail the next Day for *England*; the Admiral's Affairs detained him *Six Weeks* or *Two Months* longer; — so that he could not go along with my Mistress. Captain *Coates* was Commodore, and he came home to *England* with us; but Captain *Gambier* had the Command of the Ship. The Cabbin I lay in was next to my Mistress's Cabbin; and my Orders from my Mistress were to get up *Every Morning* before Six, and go up and take the *Children* up who lay above in a little Cabbin, and there I used to be for two Hours, dressing the *Children*, that is, from Six to Eight o'Clock *every Morning*. — Captain *Gambier* would always be up walking on the Deck, *every Morning*, and when I was gone into the Cabbin where the *Children* were, he would go down into the *State-Cabbin*, and stay with my Mistress sometimes an Hour, sometimes more and sometimes less: And this continued to be their Practice, during our whole Voyage.

Q. When you came to Town, did you by the Directions of your Mistress and the Defendant, take a Lodging for your Mistress? And tell us, what Familiarities passed between the Defendant and your Mistress after they came to Town?

Bentley. I went by my Mistress's and the Defendant's Directions, and I took a Lodging at Mr. *Watben's* a Haberdasher in *Glocester-street*, and there the Captain used to come and visit my Mistress, and sometimes stay alone

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with

with her in her Bed-chamber till One, Two, Three, Four, and once till Five o'Clock in the Morning. In my Mistress's Bed-chamber was a Closet, and this Closet was cleared and cleaned out, and the Captain, the Defendant, went into the Closet, and fitted himself to it, that in case of the sudden Arrival of the Admiral, the Captain might hide himself there; and I saw him go in, and try the Closet, and he told me it would do for the Purpose, and the Key was put on the Inside. At other Times my Mistress would go to Captain *Gambier's* Lodgings, which was near my Mistress's, once she supped there; and she would be there frequently two or three Hours at a Time.

Q. You seem to have forgot one Particular, which I find mentioned in my Instructions; and that is, your seeing the Defendant and your Mistress in Bed together. Pray recollect yourself as to that Point, and give an Account of what you did see. And pray speak a little louder that my Lord and the Gentlemen of the Jury may hear you.

Bentley. Curiosity, my Lord, led me two or three Times to look through the Key-hole of the Chamber-door, in which I knew Captain *Gambier* and my Mistress lay; the Feet of the Bed faced the Door. And the first Time I looked thorough, the Curtains were so close drawn at the Feet of the Bed, that I could not see any Thing that was upon the Bed; but I could very plainly see on one Side of the Bed, that Side of the Bed on which the Captain lay, his Shoes which were near the Feet of the Bed: Just by stood a Chair, on which the Captain's Coat an Waistcoat hung; the Cap-
tain

tain getting out of Bed, and going to put his Cloaths on, I came away from the Door.

Q. This was the first Time, pray what did you see the next Time you looked thorough your Mistress's Bed-chamber Door.

Bentley. I was going to tell you: It was the next Morning, and then it so happened, that on the other Side of the Bed, I mean on that Side of the Bed opposite to that on which the Captain's Cloaths then were, on a Chair were hanging my Mistress's Gown and Petticoat, and on the Bed-mat near the Chair, I saw one of my Lady's white Stockings and a Garter with a Silver Buckle. It being fine Summer Weather, and the Sun shining very bright, I saw my Mistress get out of Bed, go to the Window, draw back the Curtains, and then return back, and go into Bed again. The *Captain* said something to my Lady, but what it was I did not perfectly hear.

Q. This was the second Time: Did you ever after look thorough the Door?

Bentley. It was a few Days before the Arrival of the Admiral, and about a Fortnight after the Defendant had the *Closet* fitted for his Reception in case of a Surprizal. The Morning I looked thorough the Door, and which was the last Time, but one, I did so, was the Morning the Captain staid all Night with my Lady till Five o'Clock in the Morning. I came to the Bed-chamber Door about Half an Hour after Four o'Clock in the Morning. The Captain and my Lady were laughing, playing and talking, they talked partly in *English*, and partly in *French*. The Defendant got out of Bed, walked round the Feet of the Bed, made

use of something that was on my Lady's Side of the Bed; and then he jumped into Bed on the same Side; and soon after I believe both Parties were as happy, in the mutual Enjoyment of one another as they were on the twenty-third Day of *April*, in the Governor's House in *Jamaica*.

Q. You say, this Time you looked thorough the Door was the last but one. Now pray let the Court know what you did see the last Time.

Bentley. It was about Four or Five o'Clock in the Afternoon, the very Day before the Admiral arrived. The Defendant and my Lady went out of the Dining-Room into the Bed-chamber, and shut the Door, and there dressed themselves each in a loose Silk Night-gown, and there they played together, and the Captain threw my Lady upon the Bed, and he flung himself upon her; but she disengaged herself, and got off of the Bed, and then they ran several times one after the other round the Room, playing and toying, till at length my Lady was quite tired, which the Defendant taking the Advantage of, flung my Lady on the Bed, and himself, where they covered themselves with the Coverlet, and I could see no more; and then I came away.

Q. But when I asked you this Question, Madam, I interrupted you, you was going to relate some other Familiarities which passed between the Defendant and your Lady.

Bentley. When my Lady received the Captain at Home, she would do it in a loose Dress without her Stays, and sometimes they would play together as Lovers are used to do, and he would feel of her Br—sts, and put his Hands through

through the Slits of her Gown, and up her Petticoats ; and my Mistress in Return would tickle the Defendant, beat, pull and strike him amorously, &c. These Interviews and Intrigues lasted till the Admiral arrived.

Q. Do you know of any Letters that passed between the Defendant and your Lady ?

Court. If the Defendant has any Questions to ask this Witness, it would be better done before the Letters are read.

[Officer discharge the Common Jury, and acquaint the Gentlemen of the Special Jury, who are in the other Room, that they may depart for this Time.]

Cross-Examined.

Q. You have told the Court, that you went to *Jamaica* : Pray what was the Name of the Person you went with ?

Bentley. I do not know, indeed : I have entirely forgot ; I do not remember it.

Q. Strange ! sure you are very forgetful ; for it is now scarce Seventeen Months since.

Bentley. I went over with a Friend, or an Acquaintance of mine, as a Servant, but the Name of the Party I do not remember ; only that the Name was a very hard one, and not easy to be remembered.

Q. Could you tell the Name, if you was to hear it ?

Bentley. I cannot say I could ; because I never heard the Name of the Person I went over with but once ; and I never had any Occasion to make Use of it.

Q. You

Q. You call the Person you went over with, sometimes Person and sometimes Party ; may be this Person or Party might be a Man, your Sweetheart perhaps. Tell us, whether the Person you went with, was either a Man ; I presume you know what a Man is, or a Woman, or an Hermaphrodite ?

Bentley. I have already told the Court, that I went over with a Woman, who was my Mistress.

Q. Pray how came you acquainted with your Mistress, as you call her, and how long was you acquainted with her before you went with her to *Jamaica* ?

Bentley. I shall relate it as briefly as I can possibly. I had been some Time out of Place, and in great Expectation of changing my Condition, but was disappointed ; and being one Afternoon drinking Tea with a Maid-servant in a Merchant's House in the City, I was informed there was a Gentlewoman, who would be there the next Day at Tea-time, who wanted a Chamber-maid, or young Woman, to go with her, and she would pay her Passage, who could handle her Needle well, and work fine Work, and make up Gentlemens and Ladies Shirts and Shifts. This I undertook. Accordingly, all my Passage, both the Gentlewoman and myself continually (but when we were in Bed, for we both lay in one Bed together, or at Breakfast, Dinner or Supper, and sometimes the Gentlewoman would divert herself and me with reading a Play out of *Shakespeare*, &c. and sometimes, by her Directions, I did the same) were thus employed. And when I came to *Kingston*, the Gentlewoman conducted me to a House

House of her Acquaintance, where I found she was much respected, and I was very civilly used. The Gentlewoman, the next Day went farther up the Country, and I never saw her more, nor ever heard her Name from that Day to this. When I had been in this House about a Fortnight I was told, that Admiral *Knowles's* Lady wanted a Servant. I waited on her, who was then in great Want of a Chamber-maid, and the Admiral understanding that I was just come from *London*, for at this Time my Lady, the Admiral, and Miss *Blessington* were all together, drinking Tea in the Parlour, I was asked to stay then ; but I was permitted to go back and fetch my Box, which a Porter brought to the Governor's House.

Q. So, Madam, you was disappointed in Love ; then you had a Sweetheart. Well, and so you left your Sweetheart, and went to Sea with a Person you knew nothing of.—Pray, what Wages had you, you worked hard, and a long Time too ?

Bentley. My Sweetheart married the *Sunday* before I went on board, under the specious Pretence, that his Parents would disinherit him if he did not marry the young Woman he had married. He had often solicited me to live with him privately as his Wife, till his Father was dead. But, though I was very willing to become my Sweetheart's Wife, I could not think of being his Slave, or ———. A Custom too prevalent of late. As to Wages, the Party I went with was to pay my Passage, keep me, and get me a good Place when I came there. All which she performed. She likewise made me a Present of a Guinea, the
Day

Day we landed in *Jamaica*. And who recommended me to the Admiral's Lady's Place, I do not certainly know.

Q. You say, Miss *Blessington* was in the same Room where Mrs. *Knowles*, the Defendant and you were. She must therefore as well as you, see them go into the Bed-chamber, and might, if she pleased, as I suppose, see all you did see. What did she say to all this ; to be sure you and Miss made your Remarks on what you imagined passed between the Defendant and the Governor's Lady ?

Bentley. Miss *Blessington* never observed any Thing concerning what passed between the Defendant and my Lady to me, and therefore I could not take any Notice of this Affair to her. She is a young Lady of great Prudence, Conduct, and Discretion, much addicted to reading of History, and talking of the virtuous and heroic Actions of the Ancients, and the great Deeds done by the most illustrious Women. I was not much above a Month in this Service before I returned, as I have related, in the Defendant's Ship to *England*; and therefore could not be very intimate with Miss *Blessington*.

Q. You have said, that you came from *Jamaica* to *London*, in the Defendant's Ship, together with the Plaintiff's Wife and her Children, did not you lie in the same Bed, at least in the same Cabbin with your Lady ?

Bentley. My Mistress lay in the State-Cabbin, and I lay in a Cabbin which was next to it.

Q. Was there not a Sash-window in the Partition, that divided the State-Cabbin from the Cabbin in which you lay ?

Bentley.

Bentley. There is a Window between the two Cabbins, but then there are Curtains on both Sides.

Q. But then you was so near, or close, to the *State-Cabbin*, that you must when you was there hear every Thing that passed. Now, I would ask you, as you are upon your Oath, whether you ever heard the Defendant *Gambier* in the *State-Cabbin*, with your Lady, in the Night, after she was gone to Bed, and before you got up, which, you say, was between Five and Six o'Clock *every Morning*?

Bentley. I must have heard the Defendant if he had ever been, in the Night-time, in the *State-Cabbin*, during the Time I was in Bed; I never did hear him; nor do I believe he ever was there during that Time. But this I am sure of, that *every Morning*, after I went up to dress the *Children*, he would come down off the Deck, go into the *State Cabbin*, undress himself, and go into Bed to the Admiral's Wife.—I have seen the Defendant in Bed with my Mistress, and I made the Bed every Day, and one can easily see, whether one or more has lain in it.

Q. Well, I find you will have your own Way; you have learnt your Lesson perfectly.—But, here, Madam, my Instructions say, after you came to *London*, and had taken the Lodging at the *Haberdasher's*, that one of Mistress *Knowles's* Daughters lay in the Bed with her, and, I think she was between Five or Six Years old?

Bentley. One of my Mistress's Daughters did lie in a little Bed in her Bed-chamber, but she is now scarce Four Years old.

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Q. Did

Q. Did not you say, that your Mistress, meaning Admiral *Knowles's* Lady, had used you very ill? And did not you say, that you would be revenged on her, or Words to that Effect, threatening that you would swear against her, in the Manner you have now done?

Bentley. No, I never did.— I had no Words with my Mistress ever, except about the paying of me my Wages in *Jamaica* Currency, instead of *English* Money.

Q. Have you not at several Times before this, and since the Commencement of this Suit, told various Stories, and those quite different from what you now say, particularly, whether you have not often said, that you never seen any other Familiarities between Captain *Gambier* and Mrs. *Knowles* than might be between a Brother and a Sister.

Bentley. I never said any such Words ;— nor ever did represent the Affair between Captain *Gambier* and Mrs. *Knowles* in any other Manner or Light than I have done to the Court.

Q. Did not you tell young Mr. *Knowles*, a quite different Story ; I am sure my *Instructions* say you did.

Bentley. No, I never did ; I told him the Truth, and nothing but the Truth.

Q. We shall be able to confront you, when we call our Witnesses. Do you know Mr. *Roberts*, Mr. *Robinson*, Captain *O Hara*, and Mr. *Neal* ?

Bentley. I do not know any one of them, nor can I tell whether ever I saw them.

Second Council for the Defendant. I must ask the Witness, a Question or two with your Lordship's

ship's Permission. Here, Mrs. *Elizabeth Bentley*, you say, you saw, I mean when you peeped through the Key-hole of the Door, at your Mistress's Lodging here in Town, the Defendant's Shoes and his Coat and Waistcoat, did you not see some other Thing belonging to him, since you saw him get out of Bed?

Bentley. As the Chair stood I could not see any other of the Defendant's Cloaths; but when he was out of Bed he removed the Chair, put on his Black Velvet Breeches, and his white Silk Stockings.

Q. And what did you see besides, pray tell us.

Bentley. I have told you all that I did see; all the Truth and nothing but the Truth.

Q. My Lord, this Evidence is well tutored; their Time and Pains have not been lost. We will not trouble the Court any farther at this Time; but as it is likely we shall want hereafter to ask her some more Questions, we desire she may not depart the Court.

Council for the Plaintiff. My Lord, with the Leave of the Court we will now call our Witnesses, and prove the Authenticity of the Letters before they are read. And to this End we desire you (speaking to *Elizabeth Bentley*) to look on these Letters, and tell us, whether they are the Hand-writing of Captain *Gambier*?

Bentley. I have often seen him write, but not his own Name; for the Defendant and my Mistress carried on their Intrigue under the borrowed Names of *Torrismond* and *Leonora*: Captain *Gambier* named himself *Torrismond*, and my Mistress *Leonora*: — I saw the Captain

write this Letter, and he sent it by me; and I read it all through; for it was not sealed;----- I was in the same Room with the Defendant, when he wrote this Letter;---he made no Scruple of discovering to me, the Love he had for my Mistress. He always behaved himself very civilly towards me;-----I cannot say, but the Captain barring the Intrigue between himself and my Mistress, behaved himself very much like a Gentleman. And I do verily believe, all these Letters to be the Hand-writing of Captain *Gambier*; but I never did see the Defendant write his own Name.

Clerk of the Registers of the Commons called and sworn.

Q. Are these the very Letters that were exhibited in the *Commons* in a Cause now depending there; in Order to obtain a Divorce on the Part of Admiral *Knowles* against his Wife for breaking her Marriage Contract?

Clerk. They are the Original Letters of the Defendant Captain *Gambier*, and wrote by him, and attested in the *Prerogative Court*, on the Oaths and Testimonies of *Elizabeth Bentley*, and others.

Mr. Henshaw called and sworn.

Q. Do you know the Hand-writing of Captain *Gambier*? Can you say these Letters are not the Hand-writing of the Defendant *Gambier*?

Henshaw. I should scruple paying a Sum of Money on this Writing; --- yet they look like his Hand-writing; I cannot be positive; and yet I believe they are his Hand-writing.

Cross

Cross-Examined.

Q. How long have you known the Defendant ?

Henshaw. Six or Seven Years. I have seen several of the Defendant's Letters. I have several of his Letters by me now, which he wrote to me on various Occasions.

Court. Look on them again, and recollect what you think of them:

Henshaw. My Lord, the more I look on them, the more I think they resemble the Hand-writing of the Defendant, and I can perceive no Difference of the Form and Manner of both, than at the Bottom of the Letters which I have are signed with his own Name, *Gambier*, and these have the fictitious Name of *Torrismond*. Indeed, now stedfastly looking on them, I cannot see any other Difference.

Co. for Plaintiff, to Jonas Wright. Do you know the Defendant's Hand-writing ?

Wright. I never did see the Defendant write, but I have often seen Letters of his, and I believe these I now look on to be his writing.

Co. for Plaintiff. I believe, my Lord, we may now venture to read the Defendant's Letters.

Court. How many are there of them ?

Co. for Plaintiff. Four, my Lord, and two of them are very long.

Court. You may read them.

[The Letters were read, setting forth how much *Gambier* was in Love with Mrs. *Knowles* ; — ~~that~~ he could not sleep on Nights for the Thoughts of her ;
several

several Relations of his Dreams and Forebodings, concerning their present Troubles and Perplexities, and of his Hopes of their being shortly happy and freed from all Impediments to their future uninterrupted Bliss ;———what Pains, he, the Defendant, took to debauch the Mind and Principles of Admiral *Knowles's* Lady, to lead her out of the Paths of Virtue into the high Road of Sin and Debauchery ;——that she should take every Opportunity of writing to him, which would give him great Satisfaction, and tend much to the Ease of his Mind : He says, she might write a few Lines to him, if she did it even at that Time when she was alone putting on her Shift ;——that he remembered that happy Day, the twenty-third of *April*, as their Wedding Day, and as the Day which compleated his Happiness and Bliss ;——that it gives him the greatest Satisfaction, the Remembrance of those mutual Joys and Endearments which passed between us in the State-Cabbin, in our Voyage from *Jamaica* to *London* ;——that the Defendant made Mention of Mrs. *Knowles's* Name in his Prayers before God Morning and Evening ;——that he hoped he should shortly receive from her the agreeable Surprize, that they should, in due Time, know, that their mutual and tender Love was blessed with suitable Tokens of Reward ;——that when he did, he would take Care
of

of the Offspring with so much Tender-
ness above all Beings and Things next to
Her and Himself.

Defendant's Defence.

Council for the Defendant. My Lord, and
Gentlemen of the Jury, I am Council for the
Defendant, and I readily allow, with my learn-
ed Brother, who opened this Cause, that a Crime
of this Nature ought to be punished, and that
severely. It is, as has been observed, a very
great Offence to Civil Society, and was pu-
nished by the Ancients in a capital and exem-
plary Manner ; And were Offences of this Kind
to pass unnoticed or unpunished, it would in-
troduce universal Confusion and Disorder among
us ; no Man would be safe in the Possession of
that inestimable Part of his Property, which is
the most dear to him, the Love and Affection
of his Wife. I am the last, Gentlemen, who
would stand up in the Defence of a Person
guilty of so heinous a Crime ; but I am instruc-
ted to say, and it will appear from the Witnesses
we shall call on the Part of the Defendant, that
the Defendant *Gambier*, is not guilty of the
heavy Charge, which the Plaintiff *Knowles* has
artfully and maliciously brought against him.
We shall prove, that the Witness *Betty Bentley*,
the only Witness they have brought to prove
this Offence, has done it purely out of Spite
and Malice to her Mistress, to be revenged on
her, as she often declared to several Persons ;
and this will come out to your Satisfaction.——
Gentlemen, as this Crime is in its own Nature
and

and Consequences one of the worst of Crimes, so it is necessary, in an especial Manner, you should make a strict Enquiry into the Circumstances of it, before you form a Judgment in this Cause. And I do not doubt, but you will be able to judge of this Affair, when you have heard the Defence on the Part of the Defendant. Indeed, my learned Brother has thrown out many Words in order to stigmatize the Defendant with the Vice of Ingratitude, therewith to captivate your Passions, and to raise in you a Resentment to the Behaviour and Conduct of my Client. You have been told, that the Defendant Captain *Gambier* has betrayed that Confidence, Friendship and Trust, which the Plaintiff *Knowles* put in him. Whereas it doth not appear from what has come out, that there was any great Intimacy and Friendship between the Plaintiff and Defendant, more than is common among Persons engaged in one and the same Manner of Life. You have been told over and over, that Captain *Gambier* was ungrateful, and the learned Gentlemen on the other Side of the Question, have charged him with Ingratitude, but in the Course of their Evidence they have not given us one single Instance of it. I shall now, in the first Place, make some Observations on the Evidence that has been given you on the Side of the Plaintiff, and I do not think there has appeared any Evidence or Circumstance so plain, but that I shall leave with you, for you are in these Cases the only proper Judges, as to convict the unhappy Defendant of the heinous Crime he stands charged with. Unhappy, I call him, and so he is, to have his Reputation and Bread taken from him, by a
false

false Accusation, as I am instructed to say. And first as to the Marriage ; this they have but lamely proved. We allow the Validity of the Marriage of the Plaintiff *Knowles* with Miss *Plushee* at *Aix la Chapelle*, and therefore I shall not trouble you on this Head ; but how have they proved the Criminal Conversation between the accused Parties ; why they call you a Maid-Servant, whose Name is *Elizabeth Bentley*, and truly she cannot remember a Transaction scarce a Year and three Months old. When she was asked, what induced her to go from *London* to *Jamaica*, what View she had in going, with whom she went, what Wages she had, and what were the Condition, Business and Circumstances of the Party she went with ; she answers, that she neither knows the Name of the Party she went with, nor her Condition or Circumstances ; and yet she was Six or Nine Weeks, (for oftentimes Ships are so long, or longer, making a Voyage from *London* to *Jamaica*,) in a Cabbin, nay in the same Bed with her Mistress, as she at last stiles the Party, and never asked her, either her Name or her Business. In fine, Mrs. *Bentley* only says, and she stands to it, that she went to *Jamaica* along with, or in the Service of Somebody, whom neither she nor any Body else knows.-- Now is it reasonable to believe, that the Witness *Bentley* in this Respect speaketh Truth ; for if it were possible for her to forget the Name ; (for she says, she heard her Name but once, and that it was a very hard one,) of her Mistress she went with, yet it is impossible, but she might remember what State or Way of Life she was in ; as, whether her Mistress she

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went

went with was a Sempstrefs, a Mantuamaker, or a Quilter. But this, Gentlemen, is not the only Improbability and Incredibility in her Evidence; no, she has many Contradictions in the Course of her Testimony, of which I doubt not but you have taken Notice. She says, that she had not been more than a Fortnight in *Jamaica* before she was recommended as Chamber-maid to Governor *Knowles's* Lady, and yet she could not tell who recommended her. Is it not altogether incredible, that when this Witness had not been scarce a Fortnight in Governor *Knowles's* Family, before Mrs. *Knowles* made her her Confident, and trusted her with a Secret of the utmost Importance. Again, Gentlemen, you have heard from this Witness, for she can remember what she pleases, that on the twenty-third of *April*, in the Year 1756, she was in Miss *Blessington's* Room, or Chamber, in Governor *Knowles's* House, with Miss *Blessington*, at the same Time, that the first pretended Amour happened between Captain *Gambier* and her Lady. Very free truly! *Betty* have you made the Bed? Yes, Madam, replies the Witness *Bentley*. Miss *Blessington* must be privy to all this. Now, why was not Miss *Blessington* brought here as a Witness of this Criminal Conversation between the Defendant *Gambier* and Admiral *Knowles's* Lady. The Evidence of Miss *Blessington* would have been useful, and would have set this Affair in a clear Light, and quite out of Dispute, but perhaps she is not brought here, on the Side of the Plaintiff, because her Evidence would not serve their Purpose. It is very strange, at least very imprudent and highly improbable, that Captain

Gambier

Gambier and the *Lady Knowles*, should be in Company with the Witness and Miss *Blessington*, and leave them in the Manner they did, or as it is said they did; for I confess I cannot give any Credit to the Relation, go and lie upon a Bed in the next Room, dallying for two or three Hours, nay, three or four Hours, and after all not have the Prudence to make the Bed again, or put the Bed-cloaths into Order——smooth the rumpled Bed, &c. They had Time sufficient to do all this. And then again on board the Ship, coming from *Jamaica* to *England*, as to the Familiarities that passed between Captain *Gambier* and Mrs. *Knowles*,—they have produced you no other Evidence, besides this *Betty Bentley*, though there were several other Persons on board, and they must, if there had been any Thing criminal between the Parties, have known it as well as *Betty Bentley*. Commodore *Coates* was on board, and might have known this whole Intrigue, and if it had been Truth, would, as a Man of Honour ought to have done, informed Admiral *Knowles* of the criminal Greatness of his Wife with the Defendant. Several others came over at the same Time, in the same Ship, but not one of them are produced; all which to be sure might easily have been done; but it is likely they had not learnt, or would not learn, their Lesson so well as the Witness *Bentley* has done. A Witness, whose Testimony is so weak and trifling, that I cannot help wondering that my learned Brethren have rested the Merits of this Cause upon it. As as for the Letters they have produced to you, I shall leave the Absurdity of their being wrote by my Client the Defendant

fendant, to be confuted by our Witnesses. I shall now briefly lay before you the Nature of our Defence. In the first Place, we shall endeavour to shew you, that *Elizabeth Bentley* has sworn all this against the Plaintiff's Wife, Mrs. *Knowles*, out of Spite and Malice to her. It will come out from our Witnesses, that the Witness *Bentley* often said, that she would be revenged of her Mistress; particularly she has said, My Mistress, meaning Mrs. *Knowles*, has used me ill, has used me like a Negro, and I will be revenged on her for it, I will swear that she has done so, mentioning what she has done now in Court. Now, if we prove, as I am sure we are able to do, by indubitable Witnesses, Persons of great Credit and Reputation, that this is a spiteful and malicious Prosecution, you will find the Defendant Not Guilty. We shall likewise prove, that the Evidence *Elizabeth Bentley*, hath often declared, that she never saw any other Familiarities pass between Captain *Gambier* and Mrs. *Knowles*, than might pass between a Brother and Sister. We shall call our Witnesses, and prove all this, and then my Brother's Wonder of what Sort of Defence we could make, which he expressed in the Opening of this Cause, will cease. ——— But, if after all, Gentlemen, you should give Credit to the Testimony of *Elizabeth Bentley*, and find a Verdict for the Plaintiff, though I cannot see upon what Part of her Evidence it can be founded, but that I will leave with you, who are the properest Judges of this Fact, then it will remain for your Consideration, what Damages the Defendant hath done the Plaintiff by his Criminal Conversation and Correspondence with his

his Wife. Now, in this Case, the Circumstances of the two offending Parties ought to be seriously and duly weighed and considered. As for my unhappy Client he is very poor, and has, since the Commencement of this Action, lost his Office of Captain, is now a Thousand Pound in Debt, has lost his Reputation, is not able to support his Family, and if you should find large Damages for the Plaintiff, my poor Client will be carried to Prison, and at length die in a Goal. On the other Hand, the State and Condition of Mrs. *Knowles*, before Marriage, may be considered. You have heard, indeed, that Miss *Plushee* was the Daughter of an honourable and reputable Family in *Aix la Chapelle*, but it has turned out, that she was only the Daughter of an Innkeeper, or of one who keeps an Ordinary, or a Victualling-House, or it may be, a Cook's Shop, or a Chop-House in that City. When you have considered these Things, especially the Poverty and Penury of my Client : and, I think, upon the whole, if you find Ten Pounds Damages, it will be sufficient ; but all this I submit to you, and hope, Gentlemen, you will be favourable to the Defendant, and think he has suffered enough already.

Mr. *Roberts* called and sworn.

Q. Do you know *Elizabeth Bentley*, and how long have you known her ? Did you know her before the Commencement of this Suit ?

Roberts. Captain *Gambier* came to my House, and invited me to come to his Lodging one Friday Night, and told me, that *Elizabeth Bentley* was to be there, to speak to him, and that
he

he was willing to have two or three Friends to hear the Conversation that should pass between them. He desired me to be there between the Hours of Eight and Nine o'Clock at Night. Then I saw the young Woman, *Elizabeth Bentley*, but not before, and but once since, and that was of the *Monday* Night following, and now in Court.

Q. Pray give the Court an Account of what you heard Mrs. *Bentley* say to the Defendant.

Roberts. I stood in the next Room and heard them talking, and all I could hear were these Words, which were spoken by Mr. *Gambier*, "Well *Betty*, what is this you have sworn about your Mistress and me?" But Mrs. *Bentley* spoke so low, I could not hear what Answer she made, and she went away soon after.

Q. Are you acquainted with the Defendant's Hand-writing?

Roberts. I cannot say I am; I never did see the Defendant write.

Cross-Examined.

Q. You say, you was in a Room next to that in which the Defendant and Mrs. *Bentley* were: Were not the two Rooms divided by a Wainscot?

Roberts. Yes.

Q. And could you hear what passed through the Wainscot?

Roberts. No: but there was a Door in the Wainscot, which was opened an Inch or somewhat more; and against the Door were placed three Chairs.

Q. You did say, you saw the Witness *Bentley*, at this Interview between the Defendant and

and her : Did you see her through the Door as it stood a little Way open : I presume there was no Hole in the Wainscot through which you did peep.

Roberts. I did not see her in the Room with the Defendant, but I saw her both go in and out of the Room.

Q. Did you speak to Mrs. *Bentley* ?

Roberts. I did not ; I only looked at her.

Mr. *Robinson* called and sworn.

[He was asked the same Questions as the above Witness *Roberts*, and answered to the same Effect, except concerning the Door in the Wainscot, his Observations were what follow :]

Robinson. There was a Door in the Partition, or Wainscot, which divided the Room in which we were, from that in which the Defendant and Mrs. *Bentley* were. This Door was opened an Inch, or an Inch and an half, that we might hear what passed between the Defendant and the Witness, and against the Door were placed three Chairs, on which three of us, viz. Mes. *Roberts*, *Neal*, and Self, sat, and listened ; but it so happened, that the Wind setting pretty briskly up the Stairs, it suddenly blew the Door to, and hasped it. Upon this, the young Woman was alarmed, grew uneasy, said there was Somebody in the next Room, that she would not stay any longer at that Time, but that she would come again on the *Monday* Night following. All that the Defendant could say, she would not stay, but she went away out of the House directly.

Captain

Captain *O Hara* called and sworn.

Q. Was you at Captain *Gambier's* Lodgings that Night the Witness *Bentley* came to talk with the Defendant ?

O Hara. I came after she was gone ; for I mistook the Time, and therefore I came too late. I was desired to come on the *Monday* Night following, which I promised to do.

Q. Captain, how long have you been acquainted with the Defendant *Gambier* ?

O Hara. Eight or Ten Years, or more.

Q. Do you know his Hand-writing ?

O Hara. Yes, I have by me several of his Letters, and I am well acquainted with the Defendant's Hand-writing ?

Q. Pray look on these Letters, and tell the Court and Jury, whether you do believe them to be the Hand-writing of the Defendant in this Cause ?

O Hara. [looking on the Letters] They are the Hand-writing of the Defendant Captain *Gambier* ; indeed they are ; I believe they are his. Upon my Honour they are the Hand-writing of Captain *Gambier*.

Co. for Plaintiff. Sir, Pray look again upon these Letters ; this particularly marked No. 4. is this wrote by the Defendant ?

O Hara. Yes ; it is his Hand-writing : Upon my Honour I do believe, this Letter marked No. 4. is the Hand-writing of the Defendant Captain *Gambier*, as well as the others.

Co. for Plaintiff. My Lord, it was necessary particularly to prove the Authenticity of the Letter marked No. 4. because it mentions the Amours of the Defendant and Mrs. *Knowles* in the State-Cabbin aboard the Defendant's Ship,
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in her Passage from *Jamaica* to *London*, and it also proves, that *Elizabeth Bentley* was Chamber-maid to Mrs. *Knowles* in that Passage.

Mr. *Neal* called and sworn.

Q. Was you at Captain *Gambier's* Lodging at the same Time with Mes. *Roberts* and *Robinson*?

Neal. I was there; it was of a *Friday* Evening between Eight and Nine of the Clock.

Q. Did not you hear the Witness *Bentley* say, that she never saw any other Familiarities pass between the Defendant and the Plaintiff's Wife, than might pass between a Brother and Sister?

Neal. All I heard was, that *Elizabeth Bentley* promised to come again on the *Monday* Night following. I was, indeed, after she was gone, for she did not stay long, told by the Defendant, that she did say so; and that she said, she would say so on the *Monday* Night following, and that she would swear the same as on this Day in Court.

Q. Do you know the Defendant's Hand-writing?

Neal. I have seen his Hand-writing; but I am not so conversant with it as to determine, whether these Letters were wrote by him, or not.

Cross-Examined.

Q. You say, *Elizabeth Bentley*, was at the Defendant's Lodgings of a *Friday* Night; how long is it since?

Neal. About a Fortnight since.

Q. How long did she stay?

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Neal.

Neal. But a few Minutes : I am sure she was not in the House more than a Quarter of an Hour.

Q. Did you know what you came there for, and on what Account?

Neal. Only as the Defendant told me, to hear what should pass between the Defendant and the Witness *Bentley*. The Defendant farther told me, that the Witness *Bentley* desired to speak with him before the Trial came on; and that he was therefore desirous that I would be present, because he was afraid she might swear what was not true.

Q. Let me ask you, Did not you expect, when you was at first invited to come to this Conference, that you was to be present in the same Room with the Defendant and the Witness *Bentley* during the said Conference?

Neal. I expected to be in the same Room with them; for I was given to understand, at least I imagined the Purport of the Meeting was, that we were to hear the voluntary Confession of *Elizabeth Bentley*, Admiral *Knowles's* Chamber maid, that every Word she had said concerning the Defendant, in Relation to any Criminal Correspondence, which had, as she had pretended, been carried on between the Defendant and her Mistress, was entirely false, and that all she had sworn in the *Commons* against her Mistress, the Lady of Admiral *Knowles*, was out of Spite and Malice, and a most abominable Falshood.

Q. But in all this, you, it seems, was disappointed: Now, pray Sir, tell us, how these Disappointments happened, and what were the Reasons that conduced thereto?

Neal.

Neal. Mes. *Roberts*, *Robinson* and Self, came to the Defendant's Lodging, a little before Eight o'Clock; and then it was thought proper, that we, who were to hear what passed, should be in the next Room; because it was said, that if we were present the Witness *Bentley* would look on it as a Contrivance to entrap her, and that we were Strangers to her; wherefore she could not be so free, as she probably would be, if she was alone with the Defendant. Upon which, we three went into the next Room, placed three Chairs near the Door, seated ourselves thereon, whilst the Defendant opened the Door a little Way, that we might hear what passed with the greater Ease; for we had tried how we could hear when the Door was shut, and the Wainscot was so thick and close, and without Cracks, that we could scarce hear at all; we could hear Talking, but we could not distinguish what was said; but when the Door was open, we could distinguish what was said, if it was spoke as is customary in common Conversation; but the Witness *Bentley* spoke so low that whilst she was in the Room with the Defendant, I could hear her Voice, but could not distinguish what she said.

Q. How then came you to hear the Witness *Bentley* say, that she would come again on Monday Night?

Neal. She said it two or three times as she went down Stairs.

Q. Do you know Captain O Hara?

Neal. Yes; I do know the Captain.

Q. What Character doth he bear?

Neal. I have known him many Years; he is a Man of great Honour and Reputation.

Q. And given, I verily believe, to speak the Truth.

Neal. He would not tell a Lie on any Account whatsoever.

Second Council for the Defendant. My Lord, we will now proceed to re-examine our Witnesses as to what passed between the Defendant and Bentley on the Monday following.

Court. What would you examine them to?

Co. for Defend. To the Charge of Malice against Bentley, and to the Condition of the Defendant, in Case of Damages.

Q. [to Roberts.] Did you ever hear the Witness Bentley say, My Mistress has used me ill, like a Negro, and I will be up with her, I will be revenged on her; I will swear against her, in the Manner she has done, or Words to that Effect?

Roberts. No, I never did; I never had any Conversation with her, and she did not say any such Words that Friday Night I listened at the Door; though the Defendant Gambier told me, after she was gone, that she had said such Words, but I did not hear her speak them; and if she did speak them, it was so low I could not hear them.

Q. Was you at the Defendant's Lodgings on the Monday Night following?

Roberts. Yes.

Q. What did you hear then?

Roberts. Nothing; save, that Mrs. Bentley said, I will speak the Truth, and nothing but the Truth; for after she came in, she staid but a very little while, and then she went away.

Q. Do

Q. Do you know what Kind of Circumstances the Defendant *Gambier* is now in ?

Roberts. I believe he is very poor now ; he was, some time ago, Captain of his Majesty's Ship the *Severn*, but he was lately turned out of that Post, and now he is next Door to starving ; he is greatly in Debt I know ; he owes me a small Sum, and it is so hard with him that he cannot conveniently pay me.

Cross-Examined.

Q. You say, the Defendant told you, that the Witness *Bentley* said, the *Friday* Evening before, My Mistress, meaning Mrs. *Knowles*, used me ill, like a Negro, and I will be revenged on her ; what did you say to him ?

Roberts. I asked him, whether the Witness *Bentley* would say these Words on the *Monday* following. He answered, she had promised she would, and he desired me not to fail coming on *Monday* Night. He farther said, He was sorry I did not hear them, but he did not question but *Bentley* would repeat them on the *Monday* following.

Q. How much does the Defendant owe you ?

Roberts. About Five Guineas : I know the Defendant is greatly in Debt.

[Then Mr. *Robinson* was re-examined, who answered to the same Effect ; but being asked concerning the Circumstances of the Defendant he answered as follows :]

Robinson. I have known the Defendant many Years, he always lived well and reputably, but he is now in mean Circumstances, being a discarded Captain. I know he owes a Thousand Pounds

Pounds on Bond, to one Man, for which he has for several Years past, paid annually 5 *per Cent.* but he is now so distressed, that he has not been able to pay the Interest for the last Year. Besides, it is the general Report, that the Defendant is greatly in Debt; this I know, that since the Defendant has lost his Captainship, no one will trust him.

Captain *O Hara* re-examined.

Q. Sir, Was you at the Defendant's Lodging on the *Monday* Night following the *Friday* that that you was there, and came too late?

O Hara. I got thither about Eight o'Clock that Evening; the Defendant came to me, to my House, that Morning, and desired me to be at his Lodging in good Time, that I might be there before the Witness *Bentley* came.

Q. Pray, did you hear the Witness *Bentley* say, My Mistress has used me ill, has used me like a Negro, I will be up with her for it, I will be revenged on her for it; I will swear that the Defendant lay with Mrs. *Knowles*, or Words to that Effect?

O Hara. I heard the Witness *Bentley* say, I will be revenged, I will be revenged, &c. two or three Times, but what it alluded to, I cannot take upon me to say.

Q. Did you see the Witness *Bentley* come that Evening, and what happened thereon?

O Hara. I saw her come tripping up the Stairs, and the Defendant met her at the Head of the Stairs, and received her very amorously; and they seemed so loving, that I am sure he might have had any Thing he would of her; he might have lain with her; but she perceiving
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the Door to stand a little open ; that is the Door we were listening at, she said, There is Somebody in the next Room, and they will hear us ; I will not stay now, and immediately she went away ; and I never saw her since, till to Day in this Court.

Q. Sir, you say, you have known the Defendant a long Time : Do you know his present Circumstances ?

O Hara. He owes me a Thousand Pounds upon Bond, and since his Misfortune I have lent him several little Sums, or he and his Family must have been starved. Since the Commencement of this Suit, I likewise helped him to the Loan of Five Hundred Pounds, at 10 *per Cent.* from a Friend of mine, for he has been at very great Charges in defending two Suits, one in the *Commons*, and another in this Court. I fear, after all, that he will be thrown into Goal for Debt, especially if this Cause should go against him, lie there, and rot till he dies ; for he has lost his Captainship, and is now over Head and Ears in Debt.

Co. for Plaintiff. My Lord, it is a common Case, when the Plaintiff brings an Action against one of the Captains* of His Majesty's Navy, he instantly applies to the Navy-Board, and the Delinquent is immediately superseded. Nothing is more customary, nor more reasonable than this ; for if the Delinquent is not superseded, Justice could not take Place, nor the Offender be demeanable to the Law.

* It is much the same in the Army. If a common Soldier is accused of a Theft or a Robbery, the Prosecutor immediately applies to his Captain for the Discharge of the Offender, and is readily granted.

Law. For, my Lord, if he be at Sea, in His Majesty's Service, the Plaintiff cannot come at him, to have Justice done him, and if he remains in Commission, the Ship must be inactive, and may be thereby a great Detriment to the Publick : Wherefore, when such an Affair, as this now before the Court, happens, the Delinquent is superseded, or rather suspended, another Captain is appointed to the Command of the Delinquent's Ship ; and thus, my Lord, every Evil, which otherwise might accrue to Society, from such Events, are entirely prevented. And where is the Hardship, the Defendant is all this while on Half-pay, and when the Defendant has made Satisfaction in this Cause, or if he should be acquitted, he may soon be put in Commission again ; for this Affair does not affect the Defendant's Character as a Commander.

Cross-Examined.

Q. Did you know the Defendant before he was married ?

O Hara. I knew him some Years before he was married.

Q. Do you know his Wife ?

O Hara. Yes..

Q. Did you know the Gentlewoman before the Defendant married her ?

O Hara. No : He married his Wife whilst I was out at Sea ; but I returned to *London*, before the Honey-moon was over, and I went and paid my Compliments to the Defendant and his Lady, who was then, I thought, one of the prettiest, handsomest, and best behaved young Ladies, I had ever seen, either in this, or any other Place I had travelled to.

Q. Pray

Q. Pray can you tell what Portion the Defendant had with this agreeable Lady, which he married?

O Hara. Only by Hearsay? The Lady was said to have Sixteen Thousand Pounds to her Portion;--Two Thousand Pounds in Ready Money down, and the Interest of Fourteen Thousand Pounds, at Five *per Cent.* for the Defendant's Life, and for the Life of the Person the Defendant shall appoint his Successor.

Q. You seem to be very particular: Pray, who was your Author.

O Hara. The Defendant Captain Gambier.

Plaintiff's Reply.

Council for the Plaintiff. And now, Gentlemen of the Jury, we are come to the Conclusion of this Affair; and I am glad to find, that my learned Brother here, is of the same Opinion with me, and You, I hope, and all who have heard this Cause, that the Crime of Adultery is a very heinous Offence against Society, and that the Party, found guilty, ought to be punished severely; for thus he very candidly argues, "And were Offences of this Kind
" to pass unnoticed and unpunished, it would
" introduce universal Confusion and Disorder
" into the Commonwealth; no Man would be
" safe in the Possession of that inestimable Part
" of his Property, which is the most dear to
" him, the Love and Affection of his Wife." Thus far we are all agreed. But, my learned Brother here, seemed, at the Opening of the
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Defence, very angry with my charging his Client with Ingratitude and Breach of Trust in corrupting and defiling the Plaintiff's Wife, yet, I will leave it with you, whether he has offered one Reason, through the whole Course of the Defence, in Extenuation of the Charge.——

We were given to expect, at the Outset, great Things, in Behalf of the Defendant, but nothing has turned out. They first call you one *Roberts*, and ask him the following Question, Whether he heard the Defendant say to the Witness Mrs. *Bentley*, Well *Betty*, what is this you have sworn about your Mistress and me? Now, what is all this to the Purpose? Does it in the least invalidate the Testimony of the Witness *Bentley*? And will not every Body think, that the Defendant's Witness *Roberts* might as well have staid at Home, as have been employed in peeping and listening to hear Nothing. Then they call you another Witness, whose Name is *Robinson*; and, in my Opinion, he might as well have staid at Home, for the Service his Evidence has been of to the Defendant; for he also neither heard nor saw any Thing to the Purpose: Indeed, he is somewhat more particular in his Relation than the Witness *Roberts*, but then the important Circumstance, he has given us, is only a windy one, he says, that the Wind setting pretty briskly up the Stairs, it suddenly blew the Door to, and hasped it; that hereupon our Witness *Bentley* was alarmed, grew uneasy, said there was Somebody in the next Room, that she would stay no longer then, but went out of the House directly. — — Then they call you Cap-
tain

tain *O Hara*, who is the most consistent Evidence they have produced ; but of what Service he has been to the Defendant, I confess, I cannot perceive ; but, I thank the Gentlemen, on the Part of the Defendant, for bringing him into Court, if he had been subpoenaed on the Side of the Plaintiff, and tutored too, as my learned Brother says, *Elizabeth Bentley*, he would insinuate, was, his Testimony could not have better corroborated and supported the whole Evidence of our Witness *Bentley*, than it has done : And yet it does no where appear, that the honourable Captain *O Hara* ever spoke to our Witness *Bentley*, or so much as saw her but once, before he saw her in this Court. He says, he saw her come tripping up Stairs ; that the Defendant received her in an amorous Manner ; and they seemed so loving, that I am sure he might have had any Thing he would of her ; he seems to imagine that the Defendant might have lain with her. To what End this is said, I cannot tell, and therefore I shall take no farther Notice of it, only observe, that the Captain then thought our Witness *Bentley* a very agreeable, engaging young Woman. This I can aver, that she is a very consistent Witness, and, that her Evidence is full of Probability. She has fully proved, the main Point in Question, viz. the Criminal Conversation between the Defendant *Gambier*, and her Mistress, the Wife of Admiral *Knowles*. The Evidence is very clear, and, I hope, satisfactory to you, Gentlemen of the Jury ; but to remove all Doubt, if it were possible for you to have any, we have laid before you divers of the Defendant's Letters

ters, which corroborate every Part of *Elizabeth Bentley's* Evidence. Now these Letters have been proved to be the Hand-writing of the Defendant Captain *Gambier*, beyond all Manner of Dispute. The principal Witness in this Cause, Mrs. *Bentley* swears, that she has seen the Defendant write, though not his own Name; and she speaks particularly, as to one of these Letters, that she was in the Room with the Defendant whilst he wrote it, and that she, by the Desire of the Defendant, carried the same Letter from him to her Mistress. The Hand-writing of the Defendant is likewise proved by the Testimony of Captain *O Hara*, one of the Defendant's own Witnesses. He being asked, whether he did believe the Letters shewn him, to be the Hand-writing of the Defendant; he answered, I believe they are the Hand-writing of the Defendant Captain *Gambier*: And then looking again at these Letters, the Witness added, Upon my Honour they are the Hand-writing of Captain *Gambier*. Afterwards, being asked his Opinion as to the Letter marked No. 4. in Relation to its Authenticity, he answered, This Letter marked No. 4. is the Hand-writing of the Defendant Captain *Gambier*, as well as the others. Now the Use that we produce these Letters for, is to corroborate two Parts of *Elizabeth Bentley's* Evidence, first, the Circumstance relating to the Beginning of the Criminal Conversation between the accused Parties, on the twenty-third Day of *April* 1756, in Governor *Knowles's* House in *Jamaica*. The Letter takes Notice of this Occurrence, thus: I always remember and commemorate that happy Day, the
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twenty-third of *April*, as my Wedding-Day ; for we are married before God, and as the Day which compleated his and their mutual Happiness and Bliss. The second Circumstance, is, the Amours of the Defendant and the Lady *Knowles*, aboard the Defendant's own Ship, in the State-Cabbin. These agreeable Transactions, the Defendant thus mentions in the Letter : It gives me, says he, the greatest Satisfaction, the Remembrance of those mutual Joys and Endearments which passed between us in the State-Cabbin, in our Voyage from *Jamaica* to *London*. These Letters are therefore delivered [*Here the Plaintiff's Council gave the Letters to the Foreman of the Jury*] to you, Gentlemen, for your Perusal and serious Consideration ; for as they have been proved to be the Hand-writing of the Defendant, they are now become Evidence in this Cause.——Upon the whole, I think you must ; I mean you will, see just Reason to find a Verdict for the Plaintiff ; and in such Case, the last Thing which falls under your Consideration is, what Damages should be given in a Cause of this Nature ; and here, in the first Place, you will consider the Heinousness of the Crime committed by the Defendant ; in the next Place, you will consider the Stations, Characters and Substance of the Parties concerned. On the Side of the Defendant, they have industriously endeavoured to persuade you, that the Defendant is very poor, and greatly in Debt ; but unluckily it comes out from the Mouth of one of their own Witnesses, that the Defendant is now possessed of the Interest of Fourteen Thousand Pounds a Year

a Year at *5 per Cent.* which every one knows is a Yearly Income of Seven Hundred Pounds ; besides which, the Defendant has Half-Pay, as a Non-commissioned Officer in his Majesty's Navy ; and, if my Instructions are true, though it has not been given as Matter of Evidence, in this Cause, the Defendant *Gambier* is possessed of a considerable personal Estate. But, Gentlemen, let it be supposed, that the Defendant is not worth a Farthing, does it therefore follow, that small or inconsiderable Damages must be given ! No, surely, the Damages are to be estimated according to the Heinousness and Obliquity of the Offence committed. Accordingly, in a Case tried in this Court, wherein a Footman was Defendant, when the Jury found a Verdict for the Plaintiff, with Damages to the Amount of Five Thousand Pounds ; and in this Case, I cannot see how you, Gentlemen, can find less Damages for the much injured Plaintiff Admiral *Knowles*.

Then the Lord Chief Justice delivered a very learned and ingenious Charge to the Jury, setting forth the Evidence on both Sides in a plain and distinct Manner ;—He dwelt some Time on the Evidence arising from the Defendant's Letters, as they had been proved to be the Defendant's own Hand-writing, and shewed how they corresponded with and corroborated the Evidence of *Elizabeth Bentley*. Which lasted near Three Quarters of an Hour.

After which the Jury withdrew for about Twenty Minutes, and brought in their Verdict
for

for the Plaintiff, with One Thousand Pounds Damages against the Defendant.

The Court was much crowded all the Trial, and the whole was not over till about a Quarter of an Hour after Twelve o'Clock on *Sunday* Morning.

F I N I S.

